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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE TERRITORY OF GUAM

12 UNITED STATES OF AMERICA) CRIMINAL CASE NO. CR-01-00008
13)
14 v.) INDICTMENT
15 IL YOUNG CHO,) CONSPIRACY TO RESTRAIN TRADE
16) [15 U.S.C. § 3]
17 Defendant.)
18)

19 THE GRAND JURY CHARGES:

20 DESCRIPTION OF THE OFFENSE

- 21 1. **IL YOUNG CHO** is hereby indicted and made a defendant herein.
- 22 2. Beginning as early as December 17, 1997 and continuing at least until
- 23 May 26, 1998, the exact dates being unknown to the Grand Jury, the defendant and
- 24 co-conspirators entered into and engaged in a combination and conspiracy to suppress
- 25 and restrain competition for a Government of Guam Department of Parks and
- 26 Recreation ("DPR") project to repair structures at Wettengel Football Field damaged by

1 Typhoon Paka (“the Wettengel Football Field Project”), in unreasonable restraint of
2 territorial trade and commerce in violation of the Sherman Act, Title 15, United States
3 Code, Section 3.

4 DEFENDANT AND CO-CONSPIRATORS

5 3. During the period covered by this Indictment, **IL YOUNG CHO** was a
6 citizen of the Republic of Korea, a resident of the Territory of Guam, and in control of
7 Cho Iron Works, a construction business located in Agaña, Guam.

8 4. Various individuals and corporations, not made defendants in this
9 Indictment participated as co-conspirators in the offense charged and performed acts
10 and made statements in furtherance of it.

11 THE CONSPIRACY

12 5. The charged combination and conspiracy consisted of an agreement,
13 understanding, and concert of action among the conspirators, the substantial term of
14 which was to rig price quotations to be offered for the Wettengel Football Field Project.

15 6. For the common purpose of forming and carrying out the charged
16 combination and conspiracy, the defendant and co-conspirators performed the
17 following acts, among others:

- 18 a. discussed allocating the Wettengel Football Field Project to the
19 Defendant;
- 20 b. discussed price quotations on the upcoming Wettengel Football Field
21 Project;
- 22 c. agreed on the price quotations they would submit for the Wettengel
23 Football Field Project;
- 24 d. provided blank copies of corporate stationery to a co-conspirator with
25 the understanding that the co-conspirator would use that stationery for
26 the purpose of preparing collusive, non-competitive price quotations for

1 the Wettengel Football Field Project and allocating the Wettengel
2 Football Field Project to the Defendant;

- 3 e. prepared, signed, and subsequently submitted to the DPR collusive,
4 non-competitive price quotations for the project; and
5 f. performed work on the Wettengel Football Field Project at collusive,
6 non-competitive prices, and receive compensation therefor.

7 COMMERCE

8 7. During the period covered by this Indictment, the activity that was the
9 object of the conspiracy involved substantial commerce in the Territory of Guam. The
10 Wettengel Football Field Project was quoted, performed, invoiced, and paid in the
11 Territory of Guam.

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JURISDICTION AND VENUE

8. The combination and conspiracy charged in this Indictment was formed and carried out, in part, within the District of Guam, within five years preceding the return of this Indictment.

ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 3.

A TRUE BILL

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FOREPERSON

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"/s/"
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